

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

16 December 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers T. Diane Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The City Manager recognized Charlene Dillard from the Organizational Development and Communications Department, who served as courier for the meeting.

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The Mayor outlined the procedure for conduct of the meeting.

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City Manager Kitchen recognized Robin Smith, employee in the Budget and Evaluation Department, for her outstanding volunteer work as the Jaycee Chairperson for the Greensboro Holiday Parade. The Manager presented her with a memento on behalf of the City as a token of appreciation for her service in this large-scale community event. The Mayor thanked Ms. Smith on behalf of Council and presented her with a certificate of appreciation for her leadership and work on the Parade.

Ms. Smith thanked the many participants and various sponsors of the Parade; she noted that the City was one of the key sponsors of the event.

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The Manager recognized Marti Groome and Sharon Miller, employees in the Water Resources Department, for their outstanding efforts to assist the Greensboro firm Proctor and Gamble with ensuring compliance in their recent economic development project. He stated Steve Gaines, a manager for two major Proctor and Gamble plants, was present at the meeting and had sent a letter of appreciation to thank Mss. Groome and Miller for their assistance to achieve environmental protection standards and remain competitive in the manufacturing process. The Manager and Mayor thanked Mss. Groome and Miller for their long and excellent service in the Water Resources Department and presented certificates of appreciation.

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Mayor Holliday asked Councilmember Johnson to provide an update on the Willow Oaks redevelopment project. After Councilmember Johnson distributed to Council a progress report on the project, she spoke to funds spent to date, major accomplishments, current activities, priorities for the remainder of fiscal year 2003-2004 and fiscal year 2004-2005, and the long-range outlook for the project. Councilmember Johnson recognized and thanked Housing and Community Development staff for their work on the project and advised Council that she would request from staff information on the percentage of returning neighborhood residents.

Following brief discussion of the tremendous size and quality of the project, it appeared to be the consensus of Council to schedule a field trip to visit the Willow Oaks neighborhood in March of 2004.

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The Mayor stated that staff had requested agenda item 16, a resolution authorizing change order for the amount of \$175,000 in Contract No. 2000-08A with Kenneth R. Greene, Utility Contractor, Inc. for Sanitary Sewer Rehabilitation Project E, be deleted from the Consent Agenda. There being no one present wishing to speak to this matter, it appeared to be the consensus of Council to delete item 16 from the Consent Agenda.

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Bob Morgan, Assistant City Manager, also serving as Interim Planning Department Director, stated that the appeal for agenda item 36, a resolution approving preliminary plat of Willoughby Park Subdivision -Pisgah Church Road- for Tucker Associates for 60 lots, 21.21 acres, had been withdrawn.

Councilmember Perkins spoke to the large volume of correspondence he had received from concerned area residents. He thanked staff and all parties involved for reaching a positive solution compatible with neighbors and the developer.

Councilmember Johnson moved that agenda item 36 be deleted from the agenda. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

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The Mayor introduced a resolution approving City Council Connectivity Policy. After Assistant Manager Morgan outlined the provisions of the proposed policy, Councilmember Phillips expressed his opinion that the amended policy would address concerns that had been previously outside the purview of Council's authority.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

273-05 RESOLUTION APPROVING CITY COUNCIL CONNECTIVITY POLICY

WHEREAS, at the November 18th, 2003 meeting City Council requested that staff create guidelines to help Council address issues of connectivity involving new developments throughout the City;

WHEREAS, after initial staff analysis, a Policy was created which includes staff recommendations as well as criteria Council may consider in addressing street connectivity between new and existing developments;

WHEREAS, the Policy also allows Council to consider public policy concerns as well as options for Council action once they have reviewed staff's recommendations and addressed the criteria in the Policy, said Policy presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Connectivity Policy presented herewith this day is hereby approved.

(Signed) Thomas M. Phillips

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CONNECTIVITY POLICY

1. Purpose

With the creation of a new development within the City limits comes the need to provide for adequate and safe ingress and egress from that development. The City and its staff attempt to provide for this ingress and egress by addressing the need to connect existing streets to those proposed in the new development. Connectivity of streets distributes traffic equitably through neighborhoods, provides for more effective and efficient response time for emergency personnel and other public services, and enhances access to the new and existing neighborhoods, especially during natural disasters and severe weather conditions. However, street connectivity is not warranted in all circumstances. Therefore this policy has been created pursuant to §30-6-13.3 (c) of the City Code to assist in balancing the interests of all parties effected by a new development.

2. Staff review

The City of Greensboro staff shall evaluate and collect all necessary information to review each new development plan or conditional district zoning and rezoning request in accordance with the criteria set forth in the "Street Connectivity" policy adopted by the City Council on November 19, 2002. The Department of transportation shall coordinate the review by City staff. In the case of a conditional district zoning/rezoning request, such recommendation shall be forwarded to Zoning Commission then to the City Council for its consideration during the public hearing. In the case of a site plan review, such recommendation shall be forwarded to the Technical Review Committee.

3. Applicant Appeal

If an applicant is dissatisfied with the Technical Review Committee's decision with regard to connectivity or any other aspect of the decision, the applicant may appeal the denial of the plan decision to the Planning Board. If the applicant is dissatisfied with the decision of the Planning Board, the applicant may appeal to the City Council.

4. Council Review

The City Council shall adhere to the following procedure with regard to connectivity when considering a rezoning request or an appeal from the Planning Board. The Council will consider the staff recommendation of staff and evaluate the benefits of connectivity with the other potential impact on the affected neighborhoods. Factors to be considered in balancing these interests:

- Compatibility with the existing neighborhood character to include the historical and architectural aspects of the existing neighborhood, and the streetscape, setbacks and density of the existing neighborhood
- Environmental concerns such as topography, wetlands preservation, and storm water impacts
- Volume of additional traffic created by connectivity, the street conditions in the existing neighborhood, and the density of the proposed development
- Other issues unique to the affected area not otherwise addressed

5. Council Directive

After balancing the interests of connectivity with the above mentioned factors, the Council may select from one of the following options:

- Approve the rezoning or uphold the Planning Board's decision without modification of staff's recommendation for connectivity
- Modify staff's recommendation to allow for partial connectivity
- Modify staff's recommendation to include traffic calming features
- Modify staff's recommendation to include pedestrian and bicycle connectivity
- Deny connectivity on the basis that it is not in conformity with general zoning purposes or development interests, or that it unduly burdens the existing neighborhood
- Adopt such other modifications that suit the unique circumstances of the rezoning request or development plan

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to Conditional District –RM-5 Residential Multifamily for property located on the south side of Pisgah Church Road north of Lawndale Drive and west of the terminus of Pershing Court. He stated this matter was being heard on appeal filed by Marc L. Isaacson after receiving a vote of 0-7 by the Zoning Commission to recommend denial of the request and that this matter was continued from the 18 November

2003 Council meeting.

Assistant City Manager Morgan read the proposed conditions for the rezoning. He noted that staff recommended denial of condition five because it would violate the Development Ordinance and advised that under the newly amended connectivity policy, Council could determine that connection to Pershing Court was unnecessary. He presented a land use map, slides and a description of the subject property and surrounding area.

Jim Westmoreland, Director of the Transportation Department, reviewed the connectivity policy and criteria considered for street extensions and connections. He stated that in this case the criteria had been satisfied, and the connection appeared warranted and would provide access for local traffic if approved.

Councilmember Phillips stated that, in his opinion, the close proximity of the fire station to this street negated any reason to enhance emergency vehicle response time with a street connection.

After Councilmember Perkins requested to be excused from considering this matter due to a financial conflict of interest, Councilmember Carmany moved to excuse Councilmember Perkins due to conflict of interest. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

The Mayor asked if anyone wished to be heard.

The following speakers spoke in favor of the rezoning request:

Marc Isaacson, attorney with offices located at 101 West Friendly Avenue, stated he represented the property owner, St. Francis Episcopal Church and the contract purchaser, Mid-Atlantic Town Homes. He outlined the request and presented to Council detailed information, and for illustrious purposes, drawings of the proposed development. Mr. Isaacson stated that neighbors were in agreement with the proposal and that in his opinion, the connection of Pershing Court was not desirable; he encouraged Council not to extend Pershing Court. (A copy of the information presented is filed in Exhibit Drawer O, Exhibit Number 18 and is hereby referred to and made a part of the minutes.)

Michael Schnatterly, Pastor and representative of St. Frances Episcopal Church, located at 3506 Lawndale Drive, spoke to the Church's history at this location and the impact of its long range plans on the decision to sell the subject property. He spoke to the Church's goals in terms of development in accord with City planning standards and what, in their opinion, was best for the neighborhood.

Council briefly discussed aspects of potential traffic impact from the proposal and potential street connections.

The following speakers spoke against the request:

Laura Weber, residing at 3803 Pershing Court, stated the rezoning would directly impact her home and other homes that would adjoin the townhomes. She shared her opinion that single family homes would be more compatible with the neighborhood and expressed concern with various aspects of the zoning process she had experienced, specifically a lack of equitability in resources between citizens and developers and notification processes following continuation of the public hearing.

Alan Steele, residing at 3803 Pershing Court, stated he had not attended the originally scheduled public hearing, had called City staff to learn the date to which the hearing was continued, and had been advised when the agenda for this meeting would be posted on the City web site. He stated that, in his opinion, the City should do more to keep citizens aware of developments when their property was adjacent to property involving rezoning requests. He expressed concern that the proximity of the proposed buffer to his residence would have a negative impact on his property.

In response to Council discussion, Bill Ruska, Zoning Administrator, confirmed the standard procedures for notification in zoning cases and additional means that had been used by citizens to obtain information in similar instances.

Carolyn LaCross, residing at 3707 Pershing Court, explained why she had originally purchased her property, stated she was opposed to connecting Pershing Court and expressed concern that the decrease in wooded buffer would negatively impact her property. The Mayor noted that no buffer was required if the subject property was developed under single-family residential zoning.

During additional discussion, the City Attorney reminded Council that they must consider the total number of units allowed under the zoning as opposed to the proposed number of units allowed, though they could consider facts about the topography of the subject property.

Fontaine Nolan, residing at 37 Pershing Court, thanked Council for their opposition to the opening of Pershing Court; she requested Pershing Court remain unconnected.

Mr. Isaacson spoke to the processes in which the developer had involved neighbors, and noted that, in his opinion, the process had been open, proper and was typical of the process followed in zoning cases.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Burroughs-White and adopted 8-0 by voice vote of Council with Councilmember Perkins abstaining due to conflict of interest.

Assistant Manager Morgan provided the following staff recommendation:

Item 6 - Staff Recommendation

The Planning Department recommends that this request be approved.

The Generalized Future Land Use Map shows this area to be Low Residential (3-5 dwelling units per acre).

CD-RM-5 is consistent with that designation.

Low density townhouses on this site would provide a transition from the higher density Brown Quarters Townhouses and commercial node at Pisgah Church Road and Lawndale to the single family neighborhood to the east of the subject property.

Following comments by Council, Councilmember Phillips moved that Pershing Court not be connected. The motion was seconded by Councilmember Johnson; the motion was adopted on the following roll call vote: Ayes: Bellamy Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None. Abstentions: Perkins.

Councilmember Phillips thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Bellamy Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

03-260 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF PISGAH CHURCH ROAD NORTH OF LAWNDAL DRIVE AND WEST OF THE TERMINUS OF PERSHING COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Conditional District – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southern right-of-way line of Pisgah Church Road, said point being the northwest corner of Lot 2 of the Ethel L. Bentley Subdivision as shown on a plat recorded in Plat Book 61,

Page 4 in the Office of the Guilford County Register of Deeds and the northeast corner of St. Francis Episcopal Church; thence with the west line of said Lot 2 S02° 20' 37" W 95.39 feet to point, said point being the southwest corner of said Lot 2 and the northwest corner of Lot 5 of the Pershing Court Subdivision as shown on a plat recorded in Plat Book 24, Page 64; thence with the west and south line of said Plat Book 24, Page 64 the following six calls: 1) S02° 06' 07" W 121.23 feet to a point; 2) S02° 06' 07" W 67.28 feet to a point; 3) S02° 06' 07" W 135.26 feet to a point; 4) S54° 03' 03" E 76.62 feet to a point; 5) S53° 34' 19" E 122.88 feet to a point; 6) S84° 42' 44" E 208.99 feet to a point, said point being the southeast corner of Lot 1 of said Pershing Court Subdivision and a point on the west line of Lot 17 of the Lawndale Homes Subdivision Section 2, Block F as recorded in Plat Book 20, Page 47; thence with the west line of Lot 14 of said Lawndale Homes Subdivision S05° 15' 45" W 101.77 feet to a point, said point being the southwest corner of said Lot 14 and the northwest corner of Lot 13 of said Lawndale Homes Subdivision; thence with the west line of said Lot 13 and Lot 12 of said Lawndale Homes Subdivision S05° 36' 13" W 113.56 feet to a point; thence a new line N84° 59' 11" W 613.59 feet to a point, said point being on the east line of Brown Quarters Townhomes as shown in Plat Book 74, Page 134; thence with the west line of said Brown Quarters Townhomes N03° 42' 55" E 194.89 feet to a point, said point being the northeast corner of said Brown Quarters Townhomes and the southeast corner of Lot 33 of the W.W. Neal Estate Subdivision as shown in Plat Book 13, Page 49; thence with the west line of said W.W. Neal Estate Subdivision the following three calls: 1) N03° 45' 52" E 107.18 feet to a point; 2) N03° 39' 41" E 107.68 feet to a point; thence N03° 42' 55" E 230.42 feet to the Point and Place of BEGINNING, containing 6.2 acres more or less.

Section 2. That the rezoning of RS-12 Residential Single Family to Conditional District – RM-5 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in the RM-5 Zoning District.
- 2) Townhomes constructed on the subject property shall be for sale.
- 3) Townhomes to be constructed of materials consisting substantially of wood, brick and stone.
- 4) Within the twenty foot planting buffer, the planting rate shall be double the rate required by the Development Ordinance.
- 5) Pershing Court shall not be extended through the subject property by the Applicant.
- 6) Each townhome constructed on the subject property shall contain an attached garage for two vehicles.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Thomas M. Phillips

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After the Mayor stated that this was the time and place set for a public hearing to consider proposed annexation agreement between the City of Greensboro and the Piedmont Triad Airport Authority which was continued from the 11-18-03 Council meeting, the Manager advised that staff requested that this matter be continued to the January 20 Council meeting.

Councilmember Burroughs-White moved that this item be continued to the January 20 Council meeting without further advertising. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance

annexing territory to the Corporate Limits located at 4101 Burlington Road-4.98 acres and, so that these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Conditional Use-Highway Business to City Zoning Conditional District-Highway Business for all uses allowed in HB except billboards; subject to various conditions, for property located on the north side of Burlington Road between Scottville Road and Elsielee Road.

Assistant Manager Morgan outlined the request and read into the record the proposed conditions for the rezoning. He presented a land use map, slides and descriptions of the subject property and surrounding area and stated the Zoning Commission and Planning Board recommended approval of the request.

The Mayor asked if anyone wished to speak to these matters. No one present wished to be heard.

Mr. Morgan presented the following staff recommendation:

Item 9 - Staff Recommendation

The Planning Department recommends that this original zoning request be approved.

At its October 15, 2003 meeting, the Planning Board unanimously recommended the annexation of this property.

This property is in a Tier 1 growth area and the front of the property abuts a previous satellite annexation.

This property is the site of a Dollar General Store which is currently under construction.

The original zoning carries forth a similar classification which was approved by Guilford County in July 2003 under the same conditions.

The proposed zoning is compatible with Connections 2025 which shows this area to be Mixed Use Commercial which is intended to promote a mix of uses, of which various commercial uses remain predominant.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the Corporate Limits located at 4101 Burlington Road-4.98 acres. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-261 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4101 BURLINGTON ROAD – 4.98 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite city limits (as of October 31, 2003), said point being in the north line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70 and the east line of Lot 23 of Property of Elsie B. Lee, as recorded in Plat Book 11, Page 92 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING GREENSBORO SATELLITE CITY LIMITS in a westerly direction along said north line approximately 440 feet to a point on the west right-of-way line of Scottville Road; thence N 08° 20' 03" E 94.96 feet along said right-of-way line to a point; thence N 32° 15' 52" E 46.15 feet along said right-of-way line to a point; THENCE DEPARTING FROM THE EXISTING GREENSBORO SATELLITE CITY LIMITS in a northerly direction with said west right-of-way line approximately 648 feet to its intersection with the south right-of-way line of Elsielee Road; thence in an easterly direction with said south right-of-way line approximately 50 feet to its intersection with the east right-of-way line of Scottville Road; thence S 81° 29' 52" E 100.64 feet along said south right-of-way line to its intersection with the east line of Bryant Properties; thence S 05° 03' 37" W 174.97 feet along the west line of Irene Agapion, as recorded in Deed Book 4618, Page 958 in the Office of the Register of Deeds, to Agapion's southwest corner; thence S 83° 58' 40" E 50.23 feet along Agapion's south line to the southwest corner of Spaulding Rental

Properties, Inc., as recorded in Deed Book 4627, Page 795 in the Office of the Register of Deeds; thence S 83° 53' 16" E 96.73 feet along Spaulding's south line to an existing iron pipe; thence continuing with Spaulding's south line S 82° 53' 34" E 99.92 feet to Spaulding's southeast corner; thence S 05° 55' 32" W 472.13 feet along the east line Bryant Properties to the point and place of BEGINNING, and containing approximately 4.98 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 29, 2004, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 29, 2004.

(Signed) Claudette Burroughs-White

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Councilmember Burroughs-White thereupon moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-Highway Business to City Zoning Conditional District-Highway Business for all uses allowed in HB except billboards; subject to various conditions; for property located on the north side of Burlington Road between Scottville Road and Elsielee Road. The motion was seconded by Councilmember Johnson, the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-262 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF BURLINGTON ROAD BETWEEN SCOTTVILLE ROAD AND ELSIELEE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – Highway Business to City Zoning Conditional District – Highway Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro satellite city limits (as of October 31, 2003), said point being in the north line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70 and the east line of Lot 23 of Property of Elsie B. Lee, as recorded in Plat Book 11, Page 92 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING GREENSBORO SATELLITE CITY LIMITS in a westerly direction along said north line approximately 440 feet to a point on the west right-of-way line of Scottville Road; thence N 08° 20' 03" E 94.96 feet along said right-of-way line to a point; thence N 32° 15' 52" E 46.15 feet along said right-of-way line to a point; THENCE DEPARTING FROM THE EXISTING GREENSBORO SATELLITE CITY

LIMITS in a northerly direction with said west right-of-way line approximately 648 feet to its intersection with the south right-of-way line of Elsielee Road; thence in an easterly direction with said south right-of-way line approximately 50 feet to its intersection with the east right-of-way line of Scottville Road; thence S 81° 29' 52" E 100.64 feet along said south right-of-way line to its intersection with the east line of Bryant Properties; thence S 05° 03' 37" W 174.97 feet along the west line of Irene Agapion, as recorded in Deed Book 4618, Page 958 in the Office of the Register of Deeds, to Agapion's southwest corner; thence S 83° 58' 40" E 50.23 feet along Agapion's south line to the southwest corner of Spaulding Rental Properties, Inc., as recorded in Deed Book 4627, Page 795 in the Office of the Register of Deeds; thence S 83° 53' 16" E 96.73 feet along Spaulding's south line to an existing iron pipe; thence continuing with Spaulding's south line S 82° 53' 34" E 99.92 feet to Spaulding's southeast corner; thence S 05° 55' 32" W 472.13 feet along the east line Bryant Properties to the point and place of BEGINNING, and containing approximately 4.98 acres.

Section 2. That the original zoning from County Zoning Conditional Use – Highway Business to City Zoning Conditional District – Highway Business is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses allowed in the HB District except billboards.
- 2) All buildings facing Burlington Road shall be constructed of brick or natural materials.
- 3) Street planting yard along Burlington Road shall be a minimum of fifteen feet (15') in width.
- 4) Accessory freestanding signs shall be limited to a maximum of six feet (6') in height.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to extend the rezoning application deadline from 24 to 38 days before the Zoning Commission Meeting and to change the application withdrawal deadline from 19 days to 24 days before the Zoning Commission Meeting.

Assistant Manager Morgan explained that this ordinance change would result in public notices being sent earlier and would provide staff more time to prepare for zoning cases. He spoke to details of the new time line and advised that this was in line with policies of similar sized cities.

The Mayor asked if anyone wished to speak to this matter.

Marlene Sanford, president of the Triad Real Estate and Building Industry Coalition (TREBIC), residing at 115 Southgate Drive, stated that TREBIC supported the proposed change to the ordinance and believed that this time frame would facilitate an improved decision making process.

Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Following brief comments by Council, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan.

Noes: None.

03-263 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-3-12.2, Procedure, is hereby amended by rewriting Subsection (A) to read as follows:

“(A) *Authorized Submission:* The City Council; any local Board, Commission, or Department; or any person who resides or owns property within the City may submit an application to amend the Official Zoning Map, provided that any application shall be filed at least ~~twenty-four (24)~~ thirty-eight (38) days before the meeting of the Zoning Commission at which such an application is to be considered. See Section 30-3-13 (Conditional Zoning Districts), Section 30-3-17 (Zoning Changes in Historic Districts), Section 30-4-2 (Traditional Neighborhood District Requirements), and Section 30-4-3 (Planned Unit Development District Requirements) for additional requirements applicable to those districts.”

Section 2. That Section 30-3-12.2, Procedure, is hereby amended by rewriting Subsection (D) (1) and (2) to read as follows:

“(D) *Application Withdrawal:*

- 1) An application for rezoning may be withdrawn by the applicant at least ~~nineteen (19)~~ twenty-four (24) days prior to the Zoning Commission meeting at which the proposal is intended to be heard.
- 2) After the ~~nineteen (19)~~ twenty-four (24) day period specified in 1) above, an application may only be withdrawn by action of the Zoning Commission or City Council at the public hearing.”

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall be effective on January 17, 2004.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing College Place from West Market Street Southward to McGee Street, a distance of approximately 1,335 feet.

Assistant City Manager Morgan presented a land use map, slides and a description of the subject and surrounding property. He outlined the proposal and stated the Planning Board and Historic Preservation Commission were in favor of the request, which was based on landscape design conditions approved by the Historic Preservation Commission.

Craven Williams, president of Greensboro College, located at 815 West Market Street, spoke to benefits of the proposal in terms of enhanced aesthetics and pedestrian safety on the college campus and shared his opinion that the impact on the surrounding neighborhood would be negligible. He advised that the College Hill neighborhood had been involved in and supported the creation of the current plan.

Councilmember Gatten spoke to information she had received from the Transportation Department staff with respect to minor traffic impact on Mendenhall Avenue. She noted her ongoing work on this proposal and stated that in her opinion, this would provide a good solution.

After Councilmembers Carmany and Bellamy-Small stated they had concerns with respect to the impact of parking on the surrounding residential area, Mr. Westmoreland advised that staff had determined that parking ordinance limitations for non-residents of the College Hill neighborhood would adequately address these concerns.

Following additional discussion, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Bellamy-Small and Carmany.

257-03 RESOLUTION CLOSING COLLEGE PLACE FROM WEST MARKET STREET SOUTHWARD TO McGEE STREET, A DISTANCE OF APPROXIMATELY 1,335 FEET

WHEREAS, the owner of all of the property abutting both sides of College Place, from West Market Street southward to McGee Street has requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, December 16, 2003 at 6:00 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.
2. That the City Council hereby finds as a fact that the closing of the street to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.
3. That the following street is hereby permanently closed to the general public and the City's interest therein released:

COLLEGE PLACE FROM WEST MARKET STREET SOUTHWARD TO McGEE STREET, A DISTANCE OF APPROXIMATELY 1,335 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Florence F. Gatten

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The Mayor declared a recess 8:10 p.m.

The meeting reconvened at 8:26 p.m. with all members of Council present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Stone Court from Pisgah Church Road Northward to its end, a distance of approximately 720 feet.

The City Attorney requested the resolution be amended to only close portions of Stone Court that will not be dedicated for public street access to the new proposed plat and briefly explained that the rationale for the proposed amendment was because a portion of the street was already dedicated to public access.

Following brief discussion, Councilmember Phillips moved that the item be amended as presented by the City Attorney. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of

Council.

Assistant City Manager Morgan outlined the impact of the street closing on the neighborhood and thanked Mssrs. Tucker and Siegel for working out an agreeable solution that addressed ordinance compliance issues that had caused the Planning Board to recommend denial of the request.

Councilmember Phillips moved that the resolution be adopted as amended. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of Council; the amended resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

258-03 RESOLUTION CLOSING THOSE PORTIONS OF THE STONE COURT RIGHT-OF-WAY NOT FALLING WITHIN THE STREET RIGHT-OF-WAY OF THE FORTHCOMING APPROVED SUBDIVISION PLAT

WHEREAS, the owner of all of the property abutting both sides of Stone Court right-of-way not falling within the street right-of-way of the forthcoming approved subdivision plat has requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, the owner of all the property abutting both sides of Stone Court will be submitting a plat which provides that portions of Stone Court be open to the public and the remainder of said street be closed;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, December 16, 2003 at 6:00 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

5. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.
6. That the City Council hereby finds as a fact that the closing of those portions of Stone Court right-of-way not falling within the street right of way of the forthcoming approved subdivision plat is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.
7. That the following portions of Stone Court are hereby permanently closed to the general public and the City's interest therein released:

THOSE PORTIONS OF STONE COURT NOT FALLING WITHIN THE STREET RIGHT-OF-WAY OF THE FORTHCOMING APPROVED SUBDIVISION PLAT

8. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Thomas M. Phillips

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Moving to the Consent Agenda, Councilmember Phillips moved adoption of the ordinances, resolutions and motions on the amended Consent Agenda. The motion was seconded by Councilmember Gatten, the amended Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany,

Gatten, Holliday, Johnson, Perkins, Phillips, and Vaughan. Noes: None.

03-264 AMENDING CHAPTER 6

AN ORDINANCE AMENDING CHAPTER 6 OF THE GREENSBORO CODE OF ORDINANCES WITH
REPECT TO BUILDINGS AND BUILDING REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Sec. 6-136 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~Sec. 6-136. Board of electrical examiners.~~

~~_____ (a) There is hereby created a board to be known as the Greensboro Board of Electrical Examiners.~~

~~_____ (b) The board shall be composed of five (5) members. The electrical inspector shall serve ex-officio as a member. The members of the board shall be appointed by the council for terms to expire as on August 15.~~

~~_____ (c) The board shall~~

~~_____ (1) Establish standards and procedures for the qualification, examination and licensing of journeyman electricians and issue an appropriate license to each person who meets the qualifications therefor and successfully passes the examination given by the board.~~

~~_____ (2) Keep an official record of all its transactions.~~

~~_____ (3) Perform such other duties as may be assigned it from time to time by the council.~~

~~(Code 1961, §§ 2-290, 2-291)~~

~~Charter references:~~ General authority to create boards commissions, etc., § 4.01(b)(2).

Cross references: Boards and commissions generally, § 2-136 et seq.

Section 2. That Sec. 6-137 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~Sec. 6-137. Licensing, etc., generally.~~

~~_____ (a) No person shall install, alter, repair, make extensions or connect any fixture or current consuming device (except lamps and appliances connected by means of attachment plug) to any electrical wiring system for which an electrical permit is required, whether employed by an electrical contractor, firm, corporation or otherwise, unless he is a qualified electrician or works under the direct supervision of a qualified journeyman electrician or qualified electrical contractor.~~

~~_____ (b) No electrical contractor, firm or corporation shall authorize the installation of electrical wiring by any person in violation of subsection (a).~~

~~_____ (c) For the purposes of this division a "qualified electrician" shall mean any person:~~

~~_____ (1) Who has qualified for a limited electrician's license issued by the state;~~

~~_____ (2) Who has qualified for an intermediate electrician's license issued by the state;~~

~~_____ (3) Who has qualified for an unlimited electrician's license issued by the state;~~

~~_____ (4) Who has qualified for a single family detached residential dwelling electrician's license issued by the state; or~~

~~(5) Who is qualified as journeyman electrician by the board of electrical examiners of the city or its equal.~~

~~(d) No person shall use an expired or revoked electrical license.~~

~~(Code 1961, §§ 25-6-25-8)~~

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Section 3. That Sec. 6-138 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~Sec. 6-138. Local licensing and examination of journeymen.~~

~~(a) No application shall be accepted for a journeyman electrician's license unless the applicant has had four (4) years' training and experience in the electrical field. Any person desiring to be licensed as a journeyman electrician shall make written application to the board, accompanied by an examination fee of forty dollars (\$40.00) which is not returnable. Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of thirty (30) days upon payment of the regular examination fee. There shall be an annual charge of five dollars (\$5.00) for renewing a journeyman card.~~

~~(b) Holders of journeyman electrical licenses shall be furnished by the board of electrical examiners with evidence of their having been so licensed, in card form or otherwise which shall be carried on the person of the holder while he is engaged in electrical work and shall be exhibited on request of the electrical inspector or of any person on whose premises he is working. This license is automatically revoked if the journeyman discontinues engaging in the electrical field for a period of twelve (12) months, or if the journeyman is not performing his duties as determined by the board.~~

~~(c) The board may issue a temporary license pending the examination, provided the applicant holds a similar license from an equivalent board. Such permit shall not be valid for more than sixty (60) days.~~

~~(d) An appeal from the decision of the board upon the denial of a license shall be only for errors of law and shall be taken to the superior court by certiorari.~~

~~(Code 1961, §§ 2-301-2-304; Ord. No. 94-17, §§ 2, 3, 4-18-94)~~

~~**Charter references:** Authority to require examination, § 5.41.~~

Section 4. That Sec. 6-139 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~**Sec. 6-139. Restriction on issuance of electrical contractor's license.**~~

~~No person shall be issued a license to do electrical contracting within the city until he submits evidence that he holds an electrical contractor's license issued by the state.~~

~~(Code 1961, § 25-13(a))~~

Section 5. That Sec. 6-140 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~**Sec. 6-140. Supervision of apprentices.**~~

~~There shall not be more than two (2) apprentice electricians working under the direct supervision of each qualified electrician at any time.~~

~~(Code 1961, § 25-6)~~

Section 6. That Sec. 6-241 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

Sec. 6-241. Heating examining board.

~~There is hereby created a board to be known as the heating examining board.~~

~~(a) The board shall consist of five (5) members. One (1) member shall represent the fire department, one (1) member shall be a licensed heating contractor, one (1) member shall represent the public, and one (1) member shall be a certified serviceman. The building inspector shall be an ex officio member of the board. Each appointive member of the board shall have had at least five (5) years' experience in his respective field. The members of the board shall be appointed by the city council.~~

~~(b) The board shall meet at such intervals as may be necessary for the proper performance of its duties, but in any case not less than twice a year.~~

~~(c) The board shall establish standards and procedures for the qualification examination, and licensing of heating and/or cooling mechanics, and shall issue an appropriate license to each person who meets the qualifications therefor and successfully passes the examination given by the board. The board shall keep an official record of all its transactions.~~

~~(Code 1961, § 27-13(a)-(c))~~

Charter references: ~~General authority to create boards, commissions, etc., § 4.01(b)(2).~~

Cross references: ~~Boards and commissions generally, § 2-136 et seq.~~

Section 7. That Sec. 6-242 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

Sec. 6-242. Examination of mechanics.

~~(a) — No person shall engage in the business or trade of installing or servicing of refrigeration, heating and/or cooling equipment as a mechanic without submitting to an examination by, and securing a certificate from the heating examining board. Any person who has been licensed by the state board of examiners of refrigeration or plumbing and/or heating contractors shall be exempt from examination by the heating examining board.~~

~~(b) — Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of thirty (30) days upon payment of the regular examination fee.~~

~~(c) — Any person required to take a local examination and to be licensed as a heating and/or cooling mechanic shall make written application to the board. Examination fees for heating mechanics' licenses shall be forty dollars (\$40.00) which is not returnable. There shall be an annual fee of five dollars (\$5.00) for renewal of a certificate as a licensed heating and/or cooling mechanic.~~

~~(d) — Holders of mechanics' certificates shall be furnished by the board of examiners with evidence of their having been certified, in card form or otherwise, which shall be carried on the person of the holder while he is engaged in refrigeration, heating and/or cooling equipment installation and shall be exhibited on request of the building inspector or of any person on whose premises he is working.~~

~~(Code 1961, §§ 27-10(a), 27-11(b), 27-13(c) — (c); Ord. No. 94-17, §§ 4, 5, 4-18-94)~~

Charter references: Authority to require examination, § 5.41.

Section 8. That Sec. 6-276 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~Sec. 6-276. Board of plumber examiners.~~

~~(a) — There is hereby created a board to be known as the Greensboro Board of Plumber Examiners.~~

~~(b) The board shall be composed of five (5) members. The plumbing inspector shall serve ex officio, and one (1) member shall represent the county health department, one (1) member shall be a master plumber, one (1) member shall be a journeyman plumber, and one (1) member shall represent the public. Each member of the board shall have had at least five (5) years' experience in his respective field. The members of the board shall be appointed by the council for terms to expire as of August 15. The time herein fixed for appointment is directory and not mandatory.~~

~~(e) The duties of the board shall be as follows:~~

~~(1) To establish standards and procedures for the qualification, examination and licensing of journeymen plumbers, and shall issue an appropriate license to each person who meets the qualifications therefor and successfully passes the examination given by the board.~~

~~(2) To keep an official record of all its transactions.~~

~~(3) To perform such other duties as may be assigned it from time to time by the council.~~

~~(d) Appeals from the decision of the board upon denial of a license shall be only for errors for law, and shall be taken to the superior court by certiorari.~~

~~(Code 1961, §§ 2-173, 2-174, 2-186)~~

Charter references: ~~General authority to create boards, commissions, etc., § 4.01(b)(2).~~

Cross references: ~~Boards and commissions generally, § 2-136 et seq.~~

Section 9. That Sec. 6-277 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~Sec. 6-277. Examination procedure.~~

~~Any person desiring to be licensed as a journeyman plumber shall make written application to the board of plumber examiners, accompanied by an examination fee of forty dollars (\$40.00) which is not returnable. Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of thirty (30) days upon payment of the regular examination fee. There shall be an annual renewal fee of five dollars (\$5.00) for a journeyman card.~~

~~(Code 1961, § 2-184; Ord. No. 94-17, §§ 6, 7, 4-18-94)~~

~~Charter references:~~ Authority to require examination, § 5.41.

Section 10. That Sec. 6-278 of the Greensboro Code of Ordinances is hereby amended by deleting the entire section as follows:

~~Sec. 6-278. Temporary certificate.~~

~~The board of plumber examiners may issue a temporary license pending examination, provided the applicant holds a similar license from an equivalent board. Such permit shall not be valid for more than sixty (60) days.~~

~~(Code 1961, § 2-185)~~

Section 11.—That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 12. That this ordinance shall become effective immediately upon its adoption.

(Signed) Thomas M. Phillips

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259-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2003-46
BROOKS GENERAL CONTRACTORS FOR THE ELECTRIC GATE OPERATORS AND FENCING
IMPROVEMENTS – TOWNSEND AND MITCHELL WATER TREATMENT PLANTS

WHEREAS, after due notice, bids have been received for the electric gate operators and fencing improvements at the Townsend and Mitchell Water Treatment Plants;

WHEREAS, Brooks General Contractors of Greensboro, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$114,493.00 as general contractor for Contract No. 2003-46, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Brooks General Contractors of Greensboro is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 510-7025-02.6019.

(Signed) Thomas M. Phillips

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260-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-19 WITH ENVIRONMENTAL PIPELINE REHABILITATION, INC FOR SANITARY SEWER REHABILITATION PROJECT "F" IMPROVEMENTS

WHEREAS, Contract No. 2000-19 with Environmental Pipeline Rehabilitation, Inc. provides for rehabilitation to sewer pipes in various locations throughout the City;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$175,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Environmental Pipeline Rehabilitation, Inc. for the rehabilitation to sewer pipes in various locations throughout the City is hereby authorized at a total cost of \$175,000.00, payment of said additional amount to be made from Account No. 503-7013-02.6017 04100.

(Signed) Thomas M. Phillips

(A tabulation of bids for contract 2000-19 for Sanitary Sewer Rehabilitation Project F is filed with the above resolution and is hereby referred to and made a part of the minutes.)

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261-03 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT BETWEEN NORTH CAROLINA RAILROAD COMPANY, THE CITY OF GREENSBORO AND NORFOLK SOUTHERN RAILWAY COMPANY

WHEREAS, in order for the construction of a sanitary sewer main to serve Benbow Road, it is necessary to encroach into the railroad right-of-way of North Carolina Railroad Company and Norfolk Southern Railway Company;

WHEREAS, the railroad has agreed to enter into an Agreement with the City of Greensboro which, among other things, will entitle the City to a one-time, non-refundable encroachment license fee from North Carolina Railroad Company and a one-time application fee from Norfolk Southern Railway Company in the amount of \$2,231.85 to be paid out of the Water Resource Department's Sanitary Rehab account;

WHEREAS, it is deemed in the best interest of the City to acquire permission to enter the railroad property in accordance with the terms and conditions of said Agreement presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate Encroachment Agreement with North Carolina Railroad Company and Norfolk Southern Railway Company for encroachment into the railroad right-of-way for a sanitary sewer main to serve Benbow Road, all in accordance with the terms and conditions set out therein.

(Signed) Thomas M. Phillips

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03-265 ORDINANCE AMENDING THE COUNTY CONSTRUCTION PROJECTS FUND BUDGET FOR WATER MAIN REPLACEMENTS IN THE SEDGEFIELD AREA

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the County Construction Projects Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the County Construction Projects Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7039-01.6016	Water Lines	<u>\$411,120</u>
Total		\$411,120

And that this increase be financed by increasing the following County Construction Projects Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7039-01.8040	Contracted Services-Guilford County	<u>\$411,120</u>
Total		\$411,120

(Signed) Thomas M. Phillips

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262-03 RESOLUTION AUTHORIZING THE DEVELOPMENT AND PARTICIPATION IN REGIONAL OZONE REDUCTION STRATEGIES TO DEFER THE REGION'S DESIGNATION AS NONATTAINMENT FROM 2004 TO 2007

WHEREAS, by resolution of their governing boards, eleven Piedmont Triad counties (Alamance, Caswell, Davidson, Davie, Guilford, Forsyth, Randolph, Rockingham, Stokes, Surry, Yadkin) and their municipalities formed the Triad Air Quality Early Action Compact (EAC) in December 2002;

WHEREAS, this Region currently exceeds the Environmental Protection Agency's (EPA's) eight-hour standard for ozone but desires to achieve cleaner, healthier air and thereby avoid the consequences of designation as a "nonattainment area";

WHEREAS, by forming the Triad EAC and working in partnership with the N.C. Division of Air Quality and EPA, the Region can defer the effective date of designation as an ozone nonattainment area from December 2004 to December 2007, thereby gaining time to implement ozone reduction measures and attain the eight-hour

standard;

WHEREAS, the Piedmont Triad Council of Governments and the Northwest Piedmont Council of Governments, on behalf of their member governments, appointed the Triad EAC Stakeholders Group, consisting of public officials, representatives of the environmental community, business and industry, to develop ozone reduction strategies for local government adoption;

WHEREAS, the Stakeholders Group engaged in an extensive process of education, data evaluation, and public participation, leading to development of the attached Regional Strategies To Reduce Ozone, which it recommends for approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the Regional Strategies To Reduce Ozone presented herewith this day is hereby approved.
2. That the City of Greensboro will use applicable strategies as policy guidelines in decisions affecting purchasing, workplace practices, evaluation and implementation of capital projects, transportation and land use planning, and communications with its citizens.
3. That the City of Greensboro will, along with other jurisdictions in the region, participate in providing information to the N.C. Division of Air Quality in order to track the Region's progress in lowering ozone producing emissions.
4. That a copy of this Resolution along with the Regional Strategies be forwarded to the Environmental Protection Agency and the N.C. Division of Air Quality for inclusion in the preliminary Triad Early Action Plan for attainment of the eight-hour ozone standard.

(Signed) Thomas M. Phillips

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263-03 RESOLUTION AUTHORIZING TRANSFER OF PROPERTY IN THE SOUTHSIDE AREA FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO TO GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP (GHDP)

WHEREAS, the Southside Development Plan was adopted by City Council in September, 1995 and was developed to provide housing in the Southside Redevelopment Area;

WHEREAS, the Redevelopment Commission and Greensboro Housing Development Partnership (GHDP) entered into a contract to transfer the properties to GHDP, with the approval of the Greensboro City Council;

WHEREAS, the Redevelopment Commission currently owns 301 and 319 Martin Luther King, Jr. Drive which it is ready to transfer to GHDP for sale and development with the funds received from the sale to be utilized for further redevelopment activities in this area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Redevelopment Commission is hereby authorized to transfer 301 and 319 Martin Luther King, Jr. Drive located in the Southside Redevelopment Area to Greensboro Housing Development Partnership in accordance with the Southside Development Plan.

(Signed) Thomas M. Phillips

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264-03 RESOLUTION GRANTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) PERMISSION TO ENTER CITY OWNED PROPERTIES FOR THE CONSTRUCTION IMPROVEMENTS TO THE US HIGHWAY 29 BRIDGE OVER McCONNELL ROAD DURING ONGOING APPRAISALS AND NEGOTIATIONS FOR THE SALE OF SAID PROPERTY TO NCDOT

WHEREAS, the City of Greensboro owns vacant properties located at 1700 and 1728 McConnell Road at Tax Maps 102-8-21 and 102-8-78, said properties being shown on the attached map which the North Carolina Department of Transportation would like to acquire for the improvements to the bridge on US Highway 29 over McConnell Road;

WHEREAS, appraisals are currently being made on the properties to be acquired and in order to begin construction as soon as possible, the Department of Transportation has requested permission to enter the properties during the ongoing appraisals and negotiations;

WHEREAS, once the negotiations are complete, the Department of Transportation will purchase said properties upon City Council's authorization.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the North Carolina Department of Transportation is hereby granted permission to enter the vacant City owned properties located at 1700 and 1728 McConnell Road to begin the construction improvements to the US Highway 29 Bridge over McConnell Road during the ongoing appraisals and negotiations for purchase of said properties by NCDOT.

(Signed) Thomas M. Phillips

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265-03 RESOLUTION GRANTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) PERMISSION TO ENTER CITY OWNED PROPERTIES FOR THE CONSTRUCTION IMPROVEMENTS TO THE US HIGHWAY 29 BRIDGE OVER LEE STREET DURING ONGOING APPRAISALS AND NEGOTIATIONS FOR THE SALE OF SAID PROPERTY TO NCDOT

WHEREAS, the City of Greensboro owns vacant properties located at 1705 and 1800 E. Lee Street, 1506 Duke Court, 901, 1001 and 1053 O'Henry Boulevard at Tax Maps 131-65-5, 131-3-11, 131-2-2 & 4, 131-1-10, 131-3-8 and 131-3-6, said properties being shown on the attached map which the North Carolina Department of Transportation would like to acquire for the improvements to the bridge on US Highway 29 over Lee Street;

WHEREAS, appraisals are currently being made on the properties to be acquired and in order to begin construction as soon as possible, the Department of Transportation has requested permission to enter the properties during the ongoing appraisals and negotiations;

WHEREAS, once the negotiations are complete, the Department of Transportation will purchase said properties upon City Council's authorization.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the North Carolina Department of Transportation is hereby granted permission to enter the vacant City owned properties located at 1705 and 1800 E. Lee Street, 1506 Duke Court, 901, 1001 and 1053 O'Henry Boulevard to begin the construction improvements to the US Highway 29 Bridge over Lee Street during the ongoing appraisals and negotiations for purchase of said properties by NCDOT.

(Signed) Thomas M. Phillips

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266-03 RESOLUTION APPROVING AND AUTHORIZING THE REFINANCING FOR BERRYMAN SQUARE AND EVERITT-SPENCER AND THE EXECUTION OF THE APPROPRIATE SUBORDINATION DOCUMENTS

WHEREAS, the City currently holds second mortgages on Affordable Housing Management, Inc. projects for Berryman Square, located at 200-208 Berryman Street and Everitt-Spencer, located at 2115, 2116 and 2128 Everitt Street;

WHEREAS, on November 20, 2003 the Community Resource Board recommended that City Council approve a request from Affordable Housing Management, Inc. to refinance their existing first mortgages and subordinate the existing City loan documents to the new first mortgage loans;

WHEREAS, by agreeing to the refinancing of their existing first mortgages, and the subordination of existing City loans, the owner will be able to take advantage of lower interest rates, obtain stable financing for the remainder of the tax credit compliance period and use excess funds to replenish reserves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the refinancing of the existing first mortgages of the Berryman Square and Everitt-Spencer projects by Affordable Housing Management, Inc. is hereby approved and they are authorized to execute the appropriate subordination documents on the City held second mortgages for these projects.

(Signed) Thomas M. Phillips

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267-03 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 6, 2004 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT THE NORTHERN END OF WOODBERRY LAKE DRIVE – 5.798 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of December, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT THE NORTHERN END OF WOODBERRY LAKE DRIVE – 5.798 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an iron pipe in the existing Greensboro city limit line (as of November 30, 2003), said iron pipe being the southwest corner of Northwinds Apartments, as recorded in Plat Book 96, Page 80 in the Office of the Register of Deeds of Guilford County, North Carolina, said point also lying in the north line of Value Partners, as recorded in Deed Book 5097, Page 99 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 89° 07' 45" W approximately 74.01 feet along said north line to the northeast corner of Lot 24 of Woodberry Forest Subdivision, Phase 2, as recorded in Plat Book 109, Page 9 in the Office of the Register of Deeds; thence with the north line of Woodberry Forest, Phase 2 and Woodberry Forest Common Area, as recorded in Plat Book 109, Page 146 in the Office of the Register of Deeds N 87° 05' 47" W approximately 540 feet to a point in the centerline of a small stream; thence in a northerly direction through the property of Willow Oak Partners with the centerline of said stream approximately 400 feet to a point in Gary S. and Virginia W. Church's

south line, as recorded in Deed Book 3957, Page 929 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 89° 52' 09" E approximately 656 feet along Church's south line to a point in the west line of Northwinds Apartments; thence S 00° 42' 03" W 399.97 feet along said west line to the point and place of BEGINNING, and containing approximately 5.798 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2004, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, January 6, 2004 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 27, 2003.

(Signed) Thomas M. Phillips

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268-03 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 6, 2004 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 4103-07 RANSOM ROAD – 0.46 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of December, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4103-07 RANSOM ROAD – 0.46 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of November 30, 2003), said point being the southwest corner of Lot 146 of J. E. Latham Company Jesse Wharton School Development, as

recorded in Plat Book 8, Page 22 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 02° 36' E 159.35 feet with the west line of said Lot 146 to its intersection with the southwest right-of-way line of Ransom Road; thence in a southeasterly direction with said right-of-way line approximately 120.29 feet to its intersection with the east line of Lot 143 of said subdivision; thence S 02° 36' W 143.84 feet along said east line to the southeast corner of said Lot 143, said point being in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 62° 52' W 88.08 feet along the south lines of Lots 143-145 of said subdivision to the northwest corner of Lot 64 of said subdivision; thence N 27° 08' W 50 feet to the northeast corner of Lot 65 of said subdivision; thence S 62° 52' W 21.56 feet to the point and place of BEGINNING, and containing approximately 0.46 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2004, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That January 6, 2004, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 27, 2004.

(Signed) Thomas M. Phillips

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269-03 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 6, 2004 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 3327 AND 3329 HORSE PEN CREEK ROAD – 1.57 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of December, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3327 AND 3329 HORSE PEN CREEK ROAD – 1.57 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits (as of September 30, 2003), said point being the intersection of the north right-of-way line of Horse Pen Creek Road and the east line of property of Henry L. Maiden, as recorded in Deed Book 2598, Page 576 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 65° 39' 31" W 110.15 feet along said right-of-way line to its intersection with the east line of Sara F. Taylor, Heirs, as recorded in Deed Book 2281, Page 132 in the Office of the Register of Deeds; thence N 64° 45' 08" W 109.80 feet along said right-of-way line to a concrete right-of-way monument at its intersection with Taylor's west line; thence N 24° 46' 52" E 279.80 feet along Taylor's west line to Taylor's northwest corner; thence S 64° 47' 24" E 29.90 feet along Taylor's north line to a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 87° 00' 58" E 203.37 feet to Maiden's northeast corner; thence S 24° 35' 10" W 361.81 feet to the point and place of BEGINNING, and containing approximately 1.57 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2004, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That January 6, 2004, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 27, 2004.

(Signed) Thomas M. Phillips

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270-03 RESOLUTION APPROVING AGREEMENT BETWEEN THE REDEVELOPMENT COMMISSION OF GREENSBORO AND GREENSBORO HOUSING AUTHORITY FOR DISPOSITION OF REDEVELOPMENT COMMISSION PROPERTY FOR WILLOW OAKS (MORNINGSIDE/LINCOLN GROVE REDEVELOPMENT PLAN)

WHEREAS, City Council approved a \$12.4 million funding commitment to the Hope VI redevelopment

effort in the Morningside/Lincoln Grove Neighborhood, now known as Willow Oaks in 1998;

WHEREAS, the Redevelopment Commission of Greensboro adopted the Morningside/Lincoln Grove Redevelopment Plan in 2000 for the purpose of creating a Plan based on traditional neighborhood planning principles;

WHEREAS, the Plan consists, among other components, of the development of approximately 210 multifamily rental units being developed by private developers using a mixed-finance approach with low income housing tax credits being awarded for the construction of said units;

WHEREAS, the existing units are located on property owned by the Greensboro Housing Authority for this development and a developer is in the process of submitting a pre-application for tax credits for the remaining units in this project, some of which will be partially located on land acquired by the Redevelopment Commission of Greensboro for this purpose;

WHEREAS, it is necessary to enter into a Disposition Agreement with the Redevelopment Commission of Greensboro in order to establish control of the land to be developed prior to the submission of the pre-application for tax credits by the Developer;

WHEREAS, the Redevelopment Commission has approved the disposition of the land and the execution of the Agreement, said Agreement presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Disposition Agreement between the Redevelopment Commission of Greensboro and Greensboro Housing Authority presented herewith this day for the disposition of the Redevelopment Commission property for Willow Oaks is hereby approved.

(Signed) Thomas M. Phillips

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271-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2003-04 WITH BAKER ROOFING COMPANY FOR THE DAVIE STREET PARKING DECK – STRUCTURAL RENOVATION IMPROVEMENTS

WHEREAS, Contract No. 2003-04 with Baker Roofing Company provides for structural renovation improvements to the Davie Street Parking Deck;

WHEREAS, it is necessary for a time extension of 45 days for additional repairs exposed during removal of existing coatings, for additional materials for those repairs and for enclosures for heat for continuing work in cold weather, thereby necessitating a change order in the contract in the amount of \$122,040.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Baker Roofing Company for the Davie Street Parking Deck Improvements is hereby authorized at a total cost of \$122,040, payment of said additional amount to be made from Account No. 545-4535-01.6019 03148.

(Signed) Thomas M. Phillips

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272-03 RESOLUTION AUTHORIZING PARTICIPATION IN THE NCLM/NCACC DEBT SETOFF PROGRAM AND THE APPOINTMENT OF HEARING OFFICIALS AS REQUIRED BY THE SETOFF

DEBT COLLECTION ACT

WHEREAS, NCGS Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to local governments and who qualify for refunds from the Department of Revenue;

WHEREAS, the law authorizes the setting off of certain debts owed to local governments against tax refunds;

WHEREAS, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of City of Greensboro, as provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City of Greensboro will participate in the debt setoff program and hereby designates the City Manager or his designees as the persons to hold hearings and conduct necessary proceedings.

That the City Manager or his designees are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

(Signed) Thomas M. Phillips

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273-03 RESOLUTION ADJUSTING THE FY 03-04 GENERAL FUND BUDGET FOR THE CONTRIBUTION TO THE 2003 GREENSBORO JAYCEES HOLIDAY PARADE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 03-04 Annual Budget of the City of Greensboro is hereby adjusted as follows:

That the appropriation for the General Fund be adjusted as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9520-24.5931	Contribution to Non-Gov't Agencies	\$20,000

And, that this adjustment be financed by adjusting the following General Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9545-23.5931	Contribution to Non-Gov't Agencies	\$20,000

(Signed) Thomas M. Phillips

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03-265 ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND BUDGET FOR FY 2003-04 HOUSING ACTIVITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Community Development Block Grant (CDBG) Fund of the City of Greensboro is hereby amended as follows:

That the appropriation for the Community Development Block Grant (CDBG) Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
212-9095-02.5282	Real Estate Loans	\$15,385
Total		\$15,385

and that this increase be financed by increasing the Community Development Block Grant (CDBG) Fund account as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
212-0000-00.9213	Transfer from HOME Fund	\$15,385
Total		\$15,385

(Signed) Thomas M. Phillips

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Motion to make a part of the minutes abstract votes for the Greensboro Municipal Primary and General Elections was unanimously adopted. (A copy of the abstract votes is filed in Exhibit Drawer O, Exhibit Number 18 and is hereby referred to and made a part of the minutes.)

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Motion to approve report of budget adjustments covering period November 1-30, 2003 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer O, Exhibit Number 1 and is hereby referred to and made a part of the minutes.)

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Motion to approve minutes of November 5, November 18 and December 2, 2003 regular meetings and organizational meeting of December 2, 2003 was unanimously adopted.

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Mayor Holliday introduced a resolution rescinding resolution 218-02 authorizing the sale of property to Mid-Atlantic Town Homes, LLC in the amount of \$90,000 passed by City Council on December 17, 2002 and authorizing and approving the sale of 405, 409 and 411-415 South Greene Street for the amount of \$75,900 to Smothers Place Lofts, LLC.

Following brief comments by the City Manager, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote:
Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan.
Noes: None.

274-03 RESOLUTION RESCINDING RESOLUTION 218-02 AUTHORIZING THE SALE OF PROPERTY TO MID-ATLANTIC TOWN HOMES, LLC PASSED BY CITY COUNCIL ON DECEMBER 17, 2002 AND AUTHORIZING AND APPROVING THE SALE OF 405, 409 AND 411-415 SOUTH GREENE STREET TO SMOTHERS PLACE LOFTS, LLC

WHEREAS, on December 17, 2002 City Council authorized the sale of 405, 409, and 411-415 South Greene Street to Mid-Atlantic Town Homes, LLC in the amount of \$90,900;

WHEREAS, Mid-Atlantic Town Homes, LLC has changed the ownership name to Smothers Place Lofts, LLC;

WHEREAS, environmental tests indicate problems that will need to be corrected prior to any building taking place on said property;

WHEREAS, Smothers Place Lofts, LLC has agreed to purchase the property at a \$15,000 reduction due to the environmental problems in exchange, they will not require any assistance from the City of Greensboro (financial or otherwise) in the environmental cleanup of said property;

WHEREAS, the purchase price of the property will be at the reduced value of \$75,900.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

1. Resolution 218-02 adopted by City Council on December 17, 2002, authorizing the sale of 405, 409 and 411-415 South Greene Street to Mid-Atlantic Town Homes, LLC is hereby in all respects rescinded.
2. That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$75,900 is hereby approved and the sale of land to Smothers Place Lofts, LLC is hereby authorized subject to the terms outlined above; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Thomas M. Phillips

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The Mayor introduced a resolution approving acceptance of Southside Town Square Park and construction participation in the amount of \$5,000.

City Manager Kitchen and Assistant City Manager Ben Brown spoke various benefits to the community from the public-private partnership project.

Bob Isner, residing at 4 Bryan Court, stated he represented the Southside Neighborhood Association. He spoke to the park's location and aesthetically and functionally pleasing features; he noted that the community had worked on this project for ten years.

After Council expressed congratulations and appreciation for the collaborative work on this project, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

275-03 RESOLUTION APPROVING ACCEPTANCE OF SOUTHSIDE TOWN SQUARE PARK AND CONSTRUCTION PARTICIPATION IN THE AMOUNT OF \$5,000

WHEREAS, the Parks and Recreation Comprehensive Master Plan encourages participation between the City and private sector to create new recreational facilities and dedicate land for public use;

WHEREAS, the Bowman Development Group and the Southside Neighborhood Association have developed Southside Town Square Park including landscaping, irrigation, sidewalk, lighting, benches and a signature fountain through funding by Weaver Foundation, Old Greensborough Preservation Society and a pledge from the Parks and Recreation Department;

WHEREAS, the Bowman Development Group and the Southside Neighborhood Association wish to transfer the property to the City at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City is hereby authorized to accept a deed from the Bowman Development Group and the

Southside Neighborhood Association for Southside Town Square Park.

2. That the Parks and Recreation Department is hereby authorized to contribute \$5,000 towards the development costs of Southside Town Square Park, said amount to be made from Account No. 101-5001-01.

(Signed) Sandra G. Carmany

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Mayor Holliday introduced a resolution approving change order for the amount of \$279,318 in Contract No. 2003-06 with Morlando-Holden Construction, Inc. for the George C. Simkins Sports Pavilion at Barber Park.

Walter "Butch" Simmons, Engineering and Inspections Department Director, provided an update on the construction project and anticipated schedule for completion. He noted that the Parks and Recreation Department would host an opening ceremony.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

276-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2003-06 WITH MORLANDO-HOLDEN CONSTRUCTION, INC. FOR THE GEORGE C. SIMKINS PAVILION AT BARBER PARK

WHEREAS, Contract No. 2003-06 with Morlando-Holden Construction, Inc. provides for the construction improvements to the George C. Simkins Pavilion at Barber Park;

WHEREAS, it is necessary for required termite treatments, revisions for the floor slab elevations, removal of existing drainage structures, installation of additional electronic wiring, additional framing, various other revisions, and a modification in the tennis court flooring materials, thereby necessitating a change order in the contract in the amount of \$279,318.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Morlando-Holden Construction, Inc. for the construction improvements to the George C. Simkins Pavilion at Barber Park is hereby authorized at a total cost of \$279,318, payment of said additional amount to be made from Account No. 443-5003-01.6013 01101.

(Signed) Claudette Burroughs-White

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Mayor Holliday introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration (War Memorial Commission). The City Attorney spoke to the impact of the changes with respect to the transfer of certain authority to the Managing Director of the Coliseum from the War Memorial Commission.

Council expressed appreciation for the work of the War Memorial Commission and a support group of three hundred citizen volunteers for their work on promoting Coliseum events.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-266 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH

RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Sec. 2-197(2) of the Greensboro Code of Ordinances is hereby amended to read as follows:

(2) ~~Make~~ Advise the managing director of the Greensboro Coliseum Complex on rules and regulations for the use and operation of the Greensboro War Memorial, including fees for its use, subject to the approval of the council.

Section 2. That Sec. 2-197 of the Greensboro Code of Ordinances is hereby amended by adding a new section (5) to read as follows:

(5) Serve as a liaison to the community to promote the activities and events being held at the facility.

Section 3. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective immediately upon its adoption.

(Signed) Yvonne J. Johnson

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The Mayor introduced a resolution authorizing and approving Contract with Centerplate for the Greensboro Coliseum Food and Beverage concessions.

Matt Brown, Coliseum Director, spoke to details and the financial benefits of the proposed agreement. He thanked staff and members of the War Memorial Coliseum Commission for their support.

Following brief discussion, Council expressed appreciation to Mr. Brown and Coliseum staff for their work on the negotiation of the contract.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

277-03 RESOLUTION AUTHORIZING AND APPROVING CONTRACT WITH CENTERPLATE FOR THE GREENSBORO COLISEUM FOOD AND BEVERAGE CONCESSIONS

WHEREAS, Centerplate is a wholly owned subsidiary of Volume Services America, located in Spartanburg, South Carolina which provides food service to the NFL, MLB stadiums, major arenas and 40 convention centers throughout the country;

WHEREAS, the Greensboro Coliseum would like to enter into a five year Agreement with Centerplate to provide food service for the Coliseum beginning in January, 2004;

WHEREAS, said Agreement provides the transfer of the rights to operate the Food and Beverage Concession, Catering and Merchandise operations at the Coliseum in exchange for a \$3,000,000 grant by Centerplate in incremental payments beginning on the date of execution of the Agreement through the final payment on January 15, 2006;

WHEREAS, in addition to the \$3,000,000 Grant payment, the Coliseum will be paid annual commissions from the sale of Food and Beverage Concessions, Catering and Merchandise sales based on incremental level of gross revenues;

WHEREAS, this Agreement will not affect Not for Profit community service organizations being utilized as concession stand workers;

WHEREAS, under this Agreement, current Coliseum food and beverage management staff will be offered positions with Centerplate;

WHEREAS, the Agreement provides for five one-year options for the Coliseum to extend the Agreement if it so chooses, said Agreement being presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Agreement between the City of Greensboro and Centerplate for the Greensboro Coliseum Food and Beverage Concessions is hereby approved and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper Agreement.

(Signed) Thomas M. Phillips

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Councilmember Johnson moved that Ruby Jones be appointed to serve a term on the Piedmont Triad Area Regional Water Authority in the position formerly held by Henry L. Simmons; this term will expire September 30, 2006. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

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Councilmember Bellamy-Small advised that she would present a resolution honoring the memory of Irene McIver for Council's consideration at the next meeting.

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In response to Council's request, Assistant City Manager Brown advised that he would provide information from a recent trip to Charlotte with respect to its Business Improvement District.

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After the City Manager suggested that the Council's budget planning session be held on Tuesday, February 3, 2004 at 1:30 p.m. in the Plaza Level Conference Room of the Melvin Municipal Office Building. It appeared to be the consensus of Council to approve the time and location suggested by the Manager for the budget location.

Stating he had an obligation, the City Manager left the meeting at 9:25 p.m.

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Councilmember Bellamy-Small confirmed that the name of Herbert Smith, Jr. was in the boards and commissions data bank.

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Councilmember Gatten added the name of Dava Cox to the boards and commissions data bank for consideration of future service on the Comprehensive Plan Steering Committee. Following brief discussion with respect to the source of the appointment of another District 4 resident to the Steering Committee, the Mayor advised that the Clerk would confirm the vacancy status of the District 4 Comprehensive Plan Steering Committee appointment.

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Councilmember Johnson requested Council input for naming streets in the Willow Oaks area and advised that she would share suggestions with the association.

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Councilmember Phillips spoke to the potential negative impact of mega-churches on residential neighborhoods. After he suggested zoning regulation be reviewed to address these issues proactively, Councilmember Perkins requested staff to provide a comparative analysis between General Office Moderate zoning and regulations for churches with respect to set back requirements, etc.

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Council discussed various recent and future community events of interest.

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At the request of the City Attorney, Councilmember Johnson moved that Council adjourn to closed session to discuss a legal claim with MCI and the City of Greensboro and then return to open session. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

The meeting was adjourned to closed session in the City Council Conference Room at 9:35 p.m.

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Pursuant to Council motion; the City Council reconvened to open session in the Chamber at 9:42 p.m. with all members of Council present.

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Councilmember Vaughan thereupon moved that Council adjourn to meet in closed session on January 5, 2004 at 5:00 p.m. in the City Council Conference Room on the second floor of the Melvin Municipal Office Building to discuss a legal claim with MCI and the City of Greensboro. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

The meeting was adjourned at 9:44 p.m.

Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor
